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Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725-LBR

**NOTICE OF HEARING ON SECOND
 OMNIBUS OBJECTION OF POST-
 EFFECTIVE DATE USA CAPITAL
 DIVERSIFIED TRUST DEED FUND,
 LLC, TO PROOFS OF INTEREST**

Hearing Date: July 27, 2007
 Hearing Time: 9:30 a.m.

Courtroom: 1

**TO: THIS HONORABLE COURT, ANNE NOUNNA, OLYMPIA CAPITOL
 MANAGEMENT, ROBERT J. SCOTT, CAROL TURNER, JOHN WEAVER,
 RAUL WOOD, 1994 DUESING TRUST, BANK OF AMERICA TTEE, IRA
 HERBERT HANSEN, BENJAMIN BARNICA, JEAN BERTHELOT, TEARNAN
 BLAKE, DOUGLAS CARSON, LAURIE CARSON, VINCENT DANIELIAN,
 DEBRA WILLIAMS, ALBERT H. DOWNING, DAVID JOYCE, FREDERICK W.
 KEWELL, UNITED STATES TRUSTEE, AND ALL PARTIES IN INTEREST**

1 **NOTICE IS HEREBY GIVEN** that on June 8, 2007, Post-Effective Date USA Capital
 2 Diversified Trust Deed Fund, LLC (“Diversified”), by and through its counsel noted above, filed
 3 its Second Omnibus Objection of Post-Effective Date USA Capital Diversified Trust Deed
 4 Fund, LLC To Proofs of Interest Filed by Anne Nounna, Olympia Capitol Management,
 5 Registrant, Robert J. Scott, Carol Turner, John Weaver, Raul Wood, 1994 Duesing Trust, Bank
 6 of America Trustee, IRA Herbert Hansen, Benjamin Barnica, Jean Berthelot, Tearnan Blake,
 7 Douglas Carson, Laurie Carson, Vincent Danelian, Debra Williams, Albert H. Downing, David
 8 Joyce, and Frederick W. Kewell (the “Objection”). The Objection is based upon the grounds
 9 that the proofs of interest described in the Objection and in Exhibit 1 attached hereto (the
 10 “Subject Interests”) (i) do not assert the correct amount of the equity interests held in Diversified
 11 as of April 13, 2006, by the parties who filed the Subject Interests (the “Parties”), or (ii) are
 12 duplicates of proofs of interest already filed.

13 By the Objection, Diversified requests that the Subject Interests be disallowed (i) to the
 14 extent they assert amounts that are different from each respective Party’s equity interest in
 15 Diversified as of the Petition Date as reflected in Diversified’s books and records and allowed in
 16 the amount of each Party’s equity interest in Diversified as of the Petition Date per Diversified’s
 17 books and records, or (ii) in their entirety to the extent they are duplicative of proofs of interest
 18 already on file in the Diversified case. By the Objection, Diversified does not seek to prejudice
 19 the rights of any holder of an equity interest in Diversified who filed a Subject Interest to
 20 recover from Diversified on account of his or her membership interest in Diversified. A detailed
 21 list of the Subject Interests and the relief sought with respect to each Subject Interest is set forth
 22 on Exhibit 1 attached hereto. A copy of the Objection may be obtained at the bankruptcy court’s
 23 website at <http://www.nvb.uscourts.gov/> or by contacting Beckley Singleton, Chtd. at (702) 385-
 24 3373.

25 Any response to the Objection must be filed pursuant to Rule 3007 of the Local Rules of
 26 Bankruptcy Procedure:

27 (b) Responses to objection to claims. If an objection to a claim is
 28 opposed, a written response must be filed and served on the objecting
 party at least 5 business days before the scheduled hearing. A response is

1 deemed sufficient if it states that written documentation in support of the
2 proof of claim has already been provided to the objecting party and that
3 the documentation will be provided at any evidentiary hearing or trial on
the matter.

4 LR 3007(b) (emphasis in original).

5 Please carefully review the Omnibus Objection included with this Notice, particularly
6 Exhibit 1 referenced above concerning your claim(s).

7 **IF ANY CLAIMANT SHOULD DISAGREE WITH DIVERSIFIED'S**
8 **OBJECTION NOTED ABOVE, SUCH CLAIMANT MUST FILE A RESPONSE TO**
9 **THE OBJECTION AND SERVE IT UPON DIVERSIFIED'S COUNSEL NO LATER**
10 **THAN JULY 20, 2007.**

11 If you object to the relief requested, you *must* file a **WRITTEN** response to this
12 pleading with the court. You *must* also serve your written response on the person who sent you
13 this notice.

14 If you do not file a written response with the court, or if you do not serve your written
15 response on the person who sent you this notice, then:

- 16 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 17 • The court may *rule against you* without formally calling the matter at the
18 hearing.

19 **NOTICE IS FURTHER GIVEN** that the hearing on the said Objection will be held
20 before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd.

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1 South, Third Floor, Bankruptcy Courtroom No. 1, at Las Vegas, Nevada on **JULY 27, 2007** at
2 the hour of **9:30 a.m.**

3 DATED this 8th day of June 2007.

4 **BECKLEY SINGLETON, CHTD.**

5 By: /s/ Anne M. Loraditch
6 Bob L. Olson (Nevada Bar No. 3783)
7 Anne M. Loraditch (Nevada Bar No. 8164)
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9 Las Vegas, Nevada 89101

10 *Attorneys for Post-Effective Date USA Capital*
11 *Diversified Trust Deed Fund, LLC*
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EXHIBIT 1

Proofs of Interest Subject to Objection

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Proposed Disposition
175	Anne Nounna	999	11/13/06	\$100,000	\$100,000	Disallow interest in its entirety as duplicative of interest no. 174 already filed in the Diversified case.
176	Anne Nounna	999	11/13/06	\$100,000	\$100,000	Disallow interest in its entirety as duplicative of interest no. 174 already filed in the Diversified case.
127	Olympia Capitol Mgmt, Registrant	15238	11/10/06	\$100,000	\$96,094.65	Disallow interest to the extent it exceeds \$96,094.65, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
024	Robert J. Scott	10827	10/02/06	\$77,423.96	\$72,070.98	Disallow interest to the extent it exceeds \$72,070.98, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Proposed Disposition
099	Carol Turner	3012	11/02/06	\$98,054.36	\$96,094.65	Disallow interest to the extent it exceeds \$96,094.65, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
090	John Weaver	9838	11/01/06	\$59,548.51	\$59,548.51	Disallow interest in its entirety as duplicative of interest no. 23 already filed in the Diversified case.
088	Raul Wood	9784	10/31/06	\$33,564.91	\$33,564.91	Disallow interest in its entirety as duplicative of interest no. 86 already filed in the Diversified case.
089	Raul Wood	10384	10/31/06	\$31,439.12	\$31,439.12	Disallow interest in its entirety as duplicative of interest no. 85 already filed in the Diversified case.
039	1994 Duesing Trust	5827	10/10/06	\$200,000	\$192,189.29	Disallow interest to the extent it exceeds \$192,189.29, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Proposed Disposition
030	Bank of America Trustee, IRA Herbert Hansen	2067	10/02/06	\$49,287.32	\$48,047.32	Disallow interest to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
158	Benjamin Barnica	7149	11/14/06	\$25,000	\$24,023.66	Disallow interest to the extent it exceeds \$24,023.66, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
110	Jean Berthelot	17505	11/09/06	\$33,965.51	\$24,023.66	Disallow interest to the extent it exceeds \$24,023.66, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
065	Tearnan Blake	12053	10/16/06	\$59,058.88	\$58,958.88	Disallow interest to the extent it exceeds \$58,958.88, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Proposed Disposition
095	Douglas Carson	354	11/07/06	\$150,000.00	\$144,141.97	Disallow interest to the extent it exceeds \$144,141.97, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
093	Laurie Carson	378	11/07/06	\$25,000.00	\$24,023.66	Disallow interest to the extent it exceeds \$24,023.66, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
173	Vincent Danelian	467	11/15/06	\$49,047.32	\$48,047.92	Disallow interest to the extent it exceeds \$48,047.92, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
071	Debra Williams	11553	10/20/06	\$30,533.48	\$29,923.24	Disallow interest to the extent it exceeds \$29,923.24, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Proposed Disposition
040	Albert H. Downing	16816	10/10/06	\$50,000.00	\$48,047.32	Disallow interest to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
049	David Joyce	15527	10/11/06	\$96,594.65	\$96,094.65	Disallow interest to the extent it exceeds \$96,094.65, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
187	Frederick W. Kewell	17527	11/16/06	\$50,000.00	\$52,439.42	Disallow interest to the extent it exceeds \$52,439.42, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.